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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,919	07/17/2003	Alan G. Noraker	1162-227	2754

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EXAMINER
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ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,919	<b>Applicant(s)</b> NORAKER, ALAN G.	
	<b>Examiner</b> Kurt Rowan	<b>Art Unit</b> 3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 5, 9, 10, 12, 13, 14, 15, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming.

The patent to Fleming shows a fishing line container having a flap 10,12 having an outer area and an inner area. Fleming shows a first strap 16 having an attached end and being defined by an open state and a closed state. The strap being usable to join a first spool to the flap when the strap is in a closed state. In reference to claim 5, Fleming shows a flap with a hinged section 12 and a movable section 10 with the attached end of the strap being closer to the movable section than to the hinged section. In reference to claim 9, Fleming shows a cover 48. In reference to claim 13, Fleming shows a second cover 50 having a first connection segment 54 joined to the flap by way of edge portion 52. Fleming shows a second connection segment 40, 44, 36 joined to the flap adjacent the first connection segment. In reference to claim 14, Fleming shows a flap with a hinged section 12 with hinge 14 at the junction between the hinged section 12 and the section 10 is a slot that forms an access hole adjacent the hinged section for receiving fishing line. In reference to claim 15, Fleming shows a primary container 22. In reference to claim 16, Fleming shows a support subassembly 56, 58.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming as applied to claim 1 above, and further in view of Uso, Jr.

The patent to Fleming shows a fishing line and tackle container as discussed above. Fleming shows a strap as a belt with a buckle. The patent to Uso shows a Velcro strap to retain fishing equipment. In reference to claim 4, it would have been obvious to provide Fleming with a Velcro strap as shown by Uso since merely one mechanical equivalent strap is being substituted for another and the function is the same.

5. Claims 6-7, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming.

The patent to Fleming shows a fishing line and tackle container as discussed above. Fleming does not show that the lateral extent of the inner area having a length and the length of the first strap greater than one-half the length of the lateral extent. However, it would have been obvious to employ a first strap length greater than one-half the lateral extent since changes in size are obvious. See *In re Rose*, 105 USPQ 137. In reference to claim 7, Fleming shows one strap but it would have been obvious to employ two straps for multiplied effect. See *In re Harza*, 124 USPQ 378. In reference to claim 8, Fleming shows what appears to be a stitched connection between the belt or

strap and the inner wall 10. Fleming shows a snap connection 58 to shut the tackle box. It would have been obvious to employ a snap connection is merely one connection is being substituted for another and the function is the same.

6. Claims 1, 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiser in view of Schloss.

The patent to Kiser shows a fishing line container having a flap 12 having an inner area and an outer area. Kiser shows at least a first strap 46, 46 having an attached end and being defined by a single state since the strap does not appear to move. The strap being usable to join a first spool 44 to said flap when the first strap is in its single state. The patent to Schloss shows a spool of line 4 having a strap 5 being usable to join the spool to flap 1 when in a closed state as shown in Fig. 2. The open state is shown in Fig. 1. In reference to claims 1 and 17, 19, it would have been obvious to provide the fishing line and tackle container of Kiser with a strap as shown by Schloss since merely one strap is being substituted for and another and the function is the same. Since the strap frictionally holds the line, pulling the line from the spool causes tension in the line due to the force between the line and the strap. Kiser shows a cover 16, 21 overlying the first spool as shown in Fig. 3. Kiser shows positioning at least portions of the first spool under the cover. It appears that the method shown by Kiser as modified by Schloss inserts the strap while the bore is located outwardly of the cover or how could the strap be inserted into the bore if the cover was closed ?

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Young and Thompson show the state of the art in fishing tackle holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kurt Rowan  
Primary Examiner  
Art Unit 3643

KR